IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

RP.No. 776 of 2006(D)

AGAINST THE JUDGEMENT IN RSA.809/2005

.....

REVIEW PETITIONER:

MATHEW THOMAS, YOGIA VEEDU,
MANNANCHERRY MURI,
MANNANCHERRY, ALAPPUZHA.

BY ADV. SRI.T.RAJESH

RESPONDENT:

MANAKAL DEVI TEMPLE REP. BY ITS
PRESIDENT SUDHI, MARANATTU VEEDU,
MANNANCHERRY, ALAPPUZHA.

BY ADV. SRI.A.KRISHNAN

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

R.P.No.776/2006 in R.S.A.No.809/2005

& C.M.Application No.559/2006

ORDER

This review petition is filed seeking review of the judgment in R.S.A.No.809/05. The judgment reads thus:

> "C.M.Appl.No.527/2005 seeking condonation of delay of 159 days in filing the R.S.A. is dismissed on this day. This R.S.A. is, hence, barred by limitation.
>
> 2. In the result, I dismiss this R.S.A."

The order on C.M.Appl.No.527/05 is not sought to be reviewed and it was submitted by the counsel for the petitioner on 4.10.2006, when the matter came up for hearing, that a review petition is filed also as against the dismissal of the C.M. Application and accordingly, it was directed to post the said review petition also along with this

review petition. It is submitted that no such review petition is filed till date. As long as the order on the C.M.Application remains, the judgment in R.S.A.No.809/05, dismissing the RSA, cannot be reviewed. There is no merit in this review petition. The delay petition filed to condone the delay in filing the review petition also cannot be condoned, in the circumstances.

Consequently, the review petition and the delay condonation petition are dismissed.

3rd August, 2007 (K.P.Balachandran, Judge)

tkv